



WALTER M. COLLERAN (1912-1998)  
 RICHARD L. O'HARA  
 JOHN F. MILLS (1939-2003)  
 EDWARD J. GROARKE  
 CHRISTOPHER P. O'HARA  
 CAROL O'ROURKE PENNINGTON  
 DENIS A. ENGEL  
 JOHN S. GROARKE\*  
 MICHAEL D. BOSSO

STEVEN C. FARKAS\*\*  
 THOMAS P. KEANE\*\*\*  
 DAMIEN O. MAREE\*\*  
 PATRICIA L. BOLAND  
 SABRINA K. BEKIOS +  
 GLENN A. KREBS ++

PARALEGALS  
 LAURA A. HARRINGTON  
 KRISTINE M. MURPHY  
 LILLY PIAZZA  
 DAOMINE ZAMILUS  
 \* ALSO ADMITTED IN NEW JERSEY  
 \*\* ALSO ADMITTED IN WASHINGTON, D.C.  
 \*\*\* ALSO ADMITTED IN NEW JERSEY AND CONNECTICUT  
 + AWAITING ADMISSION  
 ++ OF COUNSEL

October 18, 2022

**VIA ECF**

Hon. Lee G. Dunst  
 U.S. District Court  
 Eastern District of New York  
 100 Federal Plaza, Courtroom 830  
 Central Islip, New York 11722

**Re: AA Medical, P.C. v. Iron Workers Local 40, 361 & 471 Health Fund  
 Case No. 22-v-1249(ENV)(LGD)**

Dear Judge Dunst,

The parties submit this joint status report pursuant to Your Honor's October 13<sup>th</sup> order.

Defendant Local 40, 361 & 417 Health Fund has reviewed a settlement demand extended by Plaintiff's counsel; however, Defendant has rejected the offer. Defendant has not given counsel settlement authority. Defendant does not believe that a settlement conference tentatively scheduled for October 31<sup>st</sup> would be a productive use of either the Court's or the parties' time while the motion to dismiss is still pending.

Plaintiff AA Medical, P.C. urges the Court to proceed with the settlement conference. Defendant states that it has not given its counsel settlement authority (while at the same time rejecting Plaintiff's settlement offer). However, at a settlement conference Defendant would be required to have settlement authority. Plaintiff further believes that it would be significant to obtain the Court's opinion concerning settlement and Your Honor's views on the parties' relative exposure in the case (including Defendant's argument in its motion to dismiss concerning the standard of review), in order to ascertain whether a settlement is possible. Plaintiff therefore would like to proceed with the October 31<sup>st</sup> settlement conference.

Thank you for your time and attention to this matter.

Respectfully,

COLLERAN, O'HARA & MILLS L.L.P.

By: /s/ Thomas P. Keane  
 THOMAS P. KEANE

3200-0012

cc: Robert Axelrod, Esq. via ECF